

JOURNAL OF THE HOUSE.

Monday, July 21, 2008.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God of Compassion and Truth, we place our confidence and trust in You, Your ways and precepts as we face this day's schedule, tasks and responsibilities. We believe that Your gift of wisdom enables us to comprehend and to examine critically, but fairly, the items which come before us on this and every day. We pray for Your assistance as we work together to try to build communities and a society in which we reason and plan as interested citizens in seeking the resolutions of pressing legislative options. May our minds be open to new, available and accurate data in our search for truth and our hearts open to the human needs of all people in our districts.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Ms. Flanagan of Leominster and other members of the House) congratulating Mark Polaski for his public service and athletic achievements; and

Resolutions (filed by Mr. Kafka of Stoughton) congratulating Austin Capen Marsters Dill on his elevation to the rank of Eagle Scout;

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Rodrigues of Westport, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Mr. Cabral of New Bedford presented a petition (accompanied by bill, House, No. 4994) of Antonio F. D. Cabral and others (with the approval of the mayor and city council) that the city of New Bedford be authorized to grant additional licenses for the sale of wine and malt beverages to be drunk on the premises; and the same was referred to the committee on Consumer Protection and Professional Licensure. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Ms. Callahan of Sutton, petition (subject to Joint Rule 12) of Jennifer M. Callahan relative to the organization of the higher educational system of the Commonwealth.

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By Mr. Flynn of Bridgewater, petition (subject to Joint Rule 12) of David L. Flynn that the State Retirement Board be directed to pay certain survivor benefits to Lorraine J. Poh, the widow of John C. Poh, a former public employee.

By Ms. L'Italien of Andover, petition (subject to Joint Rule 12) of Barbara A. L'Italien relative to the offering of discounts to buyers as inducements for the purchase of certain products.; and

By Mr. Pignatelli of Lenox, petition (subject to Joint Rule 12) of Christopher N. Speranzo and others for legislation to authorize Berkshire Community College, through the Division of Capital Asset Management and Maintenance, to lease certain campus facilities in the city of Pittsfield.

Severally, under Rule 24, to the committee on Rules.

Papers from the Senate.

The House Bill relative to early education and care (House, No. 4706, amended) came from the Senate with the endorsement that said branch had concurred with the House in its further amendment (adopted on July 17) with a still further amendment inserting after section 64 (as printed in Senate document numbered 2797) the following section:

"SECTION 64 1/2. The first sentence of said section 21 of said chapter 119, as amended by said section 83 of said chapter 176, is hereby further amended by striking out the figure '55H' and inserting in place thereof the following figure:- 51H."

Under suspension of Rule 35, on motion of Mrs. Haddad of Somerset, the still further amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Bills

Relative to nonpublic school service (Senate, No. 1631, amended in section 2, in line 31, by inserting after the following: "section 4." the following sentence: "No service credit may be purchased if the purchase would result in the member being credited with more than 1 year of creditable service during any 1 calendar year.") (on Senate, Nos. 1502, 1530 and 1653 and House, Nos. 2422, 2430, 2530 and 2564);

Relative to the retirement benefits of emergency medical technicians (Senate, No. 2659, amended in lines 10 and 11 by striking out the following sentence: "A municipality's acceptance of such EMTs into Group 4 may be revoked in the same manner it was accepted.") (on Senate, No. 1581);

Relative to the Massachusetts Convention Center Authority (Senate, No. 2793) (on Senate, No. 2780); and

To create a state 911 department, single 911 surcharge and an enhanced 911 fund (Senate, No. 2808, amended in section 2, in line 187, by striking out the figures "10" and inserting in place thereof the figures "11", and in line 197, by inserting after the word "Board" the following: ", 1 of whom shall be a nominated representative of the Massachusetts Ambulance Association"; in section 4, in line 457, by striking out the words "the requirements of law," and inserting in place thereof the words "the requirements of this chapter,"; in section 8, in line 526, by striking out the words "commonwealth services provider shall not" and inserting in place thereof the words "communication service provider shall not be", and in line 599, by inserting after the word "section" the following: "or for civil action resulting from or caused by such providers for participation or omissions in the development, installation, operation, maintenance, performance or

provision of enhanced 911 service except for wanton or willful misconduct".; by inserting after section 10 the following section:

"SECTION 10A. Said chapter 6A is hereby further amended by inserting after section 18J, as so appearing, the following section:-

Section 18K. Sections 18A to 18J, inclusive, shall not be construed to limit or expand the authority to regulate communication service providers under chapters 159 or 166 nor construed to authorize the department, or any other agency, department or subdivision of government, to regulate the rates, terms or conditions of interconnected VoIP service providers or IP-enabled services, other than for the E911 surcharge or the provision of E911 services under said sections 18A to 18J, inclusive."; in section 15, in line 717, by inserting after the word "service" the following: ", as defined in section 18A of chapter 6A", in line 747, by striking out the word "telephones, ", in line 748, by striking out the words "direct telephone dialing" and inserting in place thereof the words "a direct telephone dialing device", in line 814, by striking out the word "services" and inserting in place thereof the following: "the services specified in subsection (d)", in line 830, by striking out the following: "64.605(b)" and inserting in place thereof the following: "64.606", and in line 839, by striking out the following: "1.0 et seq" and inserting in place thereof the following: "1.0 to 47, inclusive"; and in section 16, in line 868, by striking out the word "willfully" and in lines 873 to 883, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:

"(a) Whoever willfully and maliciously communicates with a PSAP, or causes a communication to be made to a PSAP, which communication contains information which the person knows or has reason to know is false and which results in the dispatch of emergency services to a nonexistent emergency or to the wrong location of an actual emergency; or (b) whoever willfully and maliciously, makes or causes to be made 3 or more silent calls to any PSAP and thereby causes emergency services to be dispatched 3 or more times shall be punished by imprisonment in the house of correction for not more than 2 1/2 years or by a fine of not more than \$1,000. Whoever commits a second or subsequent violation of this section shall be punished by imprisonment in the house of correction for not more than 2 1/2 years or by imprisonment in the state prison for not more than 10 years or by a fine of not more than 5,000 dollars, or by both such fine and imprisonment.") (on Senate bill, No. 2716); and

A Resolve establishing a special commission on institutional long-term care services (Senate, No. 2417, amended in line 32 by striking out the date "December 31, 2008" and inserting in place thereof the date "July 1, 2009") (on Senate, No. 398);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

A Resolve providing for a plaque at the State House to honor the contributions of African Americans to the Commonwealth (Senate, No. 2812) (on House bill, No. 3193, changed), passed to be engrossed by the Senate, was read; and it was referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Steven A. Tolman for legislation to place the name of Robert J. Haynes on the plaque in the State House installed in

honor of Edward Cohen. Under suspension of the rules, on motion of Mr. Hill of Ipswich, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Tourism, Arts and Cultural Development. Sent to the Senate for concurrence.

By Mr. Pedone of Worcester, for the committee on Municipalities and Regional Government, on House, Nos. 1940, 1941, 1942, 1948, 1993 and 2000, an Order relative to authorizing the committee on Municipalities and Regional Government to make an investigation and study of certain House documents concerning dangerous dogs and other related matters (House, No. 4987). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported asking to be discharged from further consideration of said order; and recommending that the same be referred to the House committee on Rules.

Under Rule 42, the report was considered forthwith; and it was accepted.

By the same member, for the same committee, that the Bill providing for the preservation and improvement of land, parks, and clean energy in the Commonwealth (House, No. 4561) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4990) and the amendment previously recommended by the committee on Bonding, Capital Expenditures and State Assets (House, No. 4847) also pending [Total Bond Authorization: \$1,614,950,000.00].

By the same member, for the same committee, that the Bill providing capital facility repairs and improvements for the Commonwealth (House, No. 4852) ought to pass with an amendment substituting therefor a bill with the same title (house, No. 4993) [General Obligation Bond Authorization: \$3,066,980,000.00].

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting for a second reading, with the amendments pending.

By Mr. Scaccia of Boston, for the committee on Rules, that the Resolve providing for an investigation and study by a special commission of the feasibility of hosting the summer Olympics (House, No. 3916, changed) ought to pass.

By Mr. Scaccia of Boston, for the committees on Rules of the two branches, acting concurrently, that the Bill to improve dropout prevention and reporting of graduation rates (Senate, No. 2766) ought to pass.

Severally referred, under Rule 33, to the committees on Ways and Means.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

Senate bills

To reduce unwanted communications from creditors to protect the peace and privacy of residents (Senate, No. 184);

Providing for the annual observance of Massachusetts Nonprofit Awareness Day (Senate, No. 2679); and

Authorizing the city of Quincy to convey certain land (Senate, No. 2724); and

House bills

Relative to gender neutral language in the Massachusetts General Laws (House, No. 1298);

Authorizing the town of Natick to grant eight additional licenses for the sale of alcoholic beverages to be drunk on the premises (House, No. 4831);

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To permit the appointment of Darryl Sencabaugh for the position of fire fighter in the town of Wilmington pending the civil service exam (House, No. 4841);

To authorize the removal of the deputy chief of police of the town of Acton from the civil service laws (House, No. 4870); and

Relative to the water commissioners of the town of Sherborn (House, No. 4941);

Severally placed in the Orders of the Day for the next sitting for a second reading.

Recess.

At four minutes after eleven o'clock A.M., on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House recessed until half past twelve o'clock noon; and at the hour of one o'clock P.M. the House was called to order with Mr. Donato in the Chair.

Emergency Measures.

The engrossed Bill providing for the elections of school committee members in the Southern Berkshire Regional School District (see House, No. 4865), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Pending the question on adoption of the emergency preamble, Mr. Golden of Lowell moved that Rule 40 be suspended; and the motion prevailed.

The same member then moved to amend the bill by striking out the emergency preamble; and the amendment was adopted. Sent to the Senate for concurrence.

The engrossed Bill establishing a sick leave bank for Mark Stanton, an employee of the Department of Public Health (see Senate, No. 2677), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 3 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Engrossed Bills.

Engrossed bills

Authorizing the town of Milton to issue one additional license for the sale of all alcoholic beverages to be drunk on the premises of a certain restaurant (see Senate, No. 2485);

Relative to educational expenditures in the town of Milton (see Senate, No. 2486); and

Relative to rates for human and social service programs (see Senate, No. 2764, amended);

(Which severally originated in the Senate);

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Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Recess.

At fourteen minutes after one o'clock P.M., on motion of Mr. Hynes of Marshfield (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at twenty-nine minutes before four o'clock the House was called to order with Mr. Donato in the Chair.

Reports of Committees.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill further protecting Buzzards Bay (Senate, No. 2374, amended) ought to pass with an amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4988. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion Mr. Hill of Ipswich, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the bill (Senate, No. 2374, amended) was ordered to a third reading.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill relative to the preservation of dairy farms (Senate, No. 2743, amended) ought to pass with an amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4989. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion Mr. Hill of Ipswich, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the bill (Senate, No. 2743, amended) was ordered to a third reading.

By Mr. Binienda of Worcester, for the committee on Revenue, on House, No. 4985, a Bill providing for a certain exemption from the sales tax (House, No. 4995), which was read. Under suspension of Rule 33, on motion of Mr. Jones of North Reading, the bill was referred forthwith, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Subsequently Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House; and it was placed, under said rule, in the Orders of the Day for the next sitting, for a second reading.

Orders.

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An Order (filed by Mr. Scaccia of Boston) relative to special procedures for consideration of the House Bill providing for the preservation and improvement of land, parks, and clean energy in the Commonwealth (House, No. 4561), and also relative to special procedures for consideration of the House Bill providing capital facility repairs and improvements for the Commonwealth (House, No. 4582), having been reported from the committee on Rules, under the provisions of House Rules 7B and 7C (House, No. 4996) was adopted.

On motion of Mr. DiMasi of Boston,--

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

At eighteen minutes before four o'clock P.M., on motion of Ms. Provost of Somerville (Mr. Donato of Medford being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M.